REMARKS

This is in response to the October 12, 2006 Office Action.

Claims 28-43 are pending. In the above amendment, claims 28, 31, 36 and 39 are amended and claims 44 and 45 are added.

Claim Rejections – 35 U.S.C. §103

On page 2 of the October 12, 2006 Office Action, claims 28, 29, 32, 36, 37 and 40 were rejected under 35 U.S.C. §103(a) as obvious over applicants disclosed prior art and further in view of Ribes et al. (US Patent Publication No. 2003/0198347).

The Office Action combines the admitted prior art with the XML document delivery of the new Ribes et al. reference. Ribes et al. do not disclose or suggest the claimed encoder for assembling a key using an "XML encoder to add XML tags surrounding the permission information and to add XML tags surrounding the calculated digital signature" as recited in independent claims 28 and 36. By adding XML tags separately both surrounding the permission information and surrounding the calculated digital signature, various decoders can be used to interpret the permission information and signature between the XML tags without regard for their format or any future encoding incompatibility. The tags identify the permission information and signature without regard for location of order within a file enhancing backward compatibility and allowing future decoders to accommodate old and new key data so long as XML tags separately both surround the permission information and signature. Independent claims 28 and 36 are patentable over the admitted art in view of Ribes et al.

Ribes et al. merely disclose the notion of using XML documents to communicate rights, keys or data and give no reason or advantage for the use of XML nor is there any example or disclosure of how to use it. Ribes et al. merely states in one sentence each at two places in the specification

and 4 claims that basically state not more then "communication of the digital rights and/or the keys and/or the audit data is made by XML documents." Ribes et al. do not disclose an encoder or method for assembling XML. Applicant's disclosure gives a concrete example of their XML key and its encoding, in the text and FIG. 7, as applicants so claim.

Dependent claims 29 and 37 depend respectively from independent claims 28 and 36 and are patentable for the above reasons in addition to the following: The admitted prior art does not disclose or suggest "using a security algorithm chosen based on the selected security parameter index" as recited in claims 29 and 37.

Dependent claims 32 and 40 depend respectively from dependent claims 29 and 37 and are patentable for the above reasons in addition to the following: Paragraph 5 and 6 of Ribes et al. do not disclose or suggest a feature ID and a number of feature units.

Accordingly, reconsideration and withdrawal of the rejection of claims 28, 29, 32, 36, 37 and 40 under 35 U.S.C. §103(a) over the applicants disclosed prior art as applied and Ribes et al. is respectfully requested.

On page 4 of the October 12, 2006 Office Action, claims 30, 31, 34, 35, 38, 39, 42 and 43 were rejected under 35 U.S.C. §103(a) as obvious over the applicants disclosed prior art as applied to claims 28 and 36 and further in view of Ginter et al. (US Patent Application Publication No. 2002/0112171).

Ginter et al. does not refer to XML. Neither does the admitted prior art. Therefore the rejection of dependent claims 30, 31, 38 and 39 should be withdrawn because neither of the two combined references, the admitted prior art or Ginter et al., even mention XML at all.

Furthermore, dependent claims 30, 31, 38 and 39 depend respectively from dependent claims 29 and 37 and are patentable for the above reasons in addition to the following. No destination identifier of claims 30 and 38 is disclosed by Ginter et al. such as a serial number. Furthermore, no type designation is disclosed by Ginter et al. The unique identifier in paragraphs 500 and 690

are random numbers. A random number teaches away from a "type selected from the group consisting of element and network" as recited in claims 31 and 39 because such type group is not a random choice.

Claims 34, 35, 42 and 43 are patentable for the several reasons stated above with respect to independent claims 28 and 36.

Accordingly, reconsideration and withdrawal of the rejection of claims 30, 31, 34, 35, 38, 39, 42 and 43 and 43 under 35 U.S.C. §103(a) over the applicants disclosed prior art as applied and Ginter et al. is respectfully requested.

On page 5 of the October 12, 2006 Office Action, claims 33 and 41 were rejected under 35 U.S.C. §103(a) as obvious over the applicants disclosed prior art as applied to claims 28 and 36 and further in view of Cato et al. (US Patent Application Publication No. 2003/0120928).

The present invention makes and sends a key where permission information is not only sent alongside the signature, but that same permission information is sent together with the signature to the recipient. This permission information is even sent in clear text as recited in claims 33 and 41. This feature is not disclosed or suggested by the references and is independently patentable, and since none of the two references (admitted prior art or Cato et al. disclose XML tags applied subsequent to encryption, claims 33 and 41 are non-obvious and should be allowed.

Cato et al. disclose XML. However, the XML disclosed by Cato et al. (see for example the abstract) is applied prior to encryption and the XML is then encrypted. No key is disclosed and the XML is not applied to the key after its generation. Furthermore, Cato et al. are concerned with encryption, not authentication.

In claims 28-35, the XML tag is added "surrounding the calculated digital signature" subsequent to calculation of the signature by the digital signature calculation block. The claims of the present inventions allow XML tags (e.g., the bracketed "< … >" tags illustrated in FIG. 7 of the instant disclosure) to wrap around the signature (e.g., "f52be709947cdd44cd72baf6773ebb95" in

FIG. 7) and around the permission information. Adding XML tags around separately both a previously calculated signature and permission information allows various decoders to interpret the signature and permission information between the XML tags without regard for their format or any future encoding incompatibility.

Accordingly, reconsideration and withdrawal of the rejection of claims 33 and 41 under 35 U.S.C. §103(a) over the admitted prior art as applied and Cato et al. is respectfully requested.

New dependent claims 44 and 45 recite an assembler and step of assembling that "parses together multiple digital rights keys in XML." New dependent claims 44 and 45 are patentable because none of the references disclose or suggest the recited parsing of multiple keys in XML or the features of the parent claims as discussed above.

Conclusion

All the issues in the October 12, 2006 Office Action have been addressed and 28-43 and new claims 44 and 45 are patentable. Favorable consideration of the present application is requested. If any issues remain, the Examiner is invited to call the undersigned.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

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By their Representatives,

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